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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

11 TRINA BRITAIN, KARL BEAVERS,  
12 RONALD BROOKS, BRET CEGAVSKE,  
13 BILLY CRANK, DENNIS CURRAN, KEVIN  
14 ECKHART, KENNETH HAWKES, RANDY  
15 HAWKES, IAN MASSY, RIC MOON,  
16 GRAJEDA NUBIA, MICHAEL PETTY,  
KAREN PIXLER, ERIC PRUNTY,  
ANTHONY RUSSO, TOM SERRANO,  
ANTHONY SMITH, MICHAEL SMITH,  
ENRIQUE STIEGELMEYER, ANTHONY  
VOGEL, and LAMONS WALKER,

CASE NO. 2:12-cv-1240-JAD-NJK

**STIPULATION AND ORDER TO  
EXTEND TIME TO FILE MOTION FOR  
APPROVAL OF SETTLEMENT**

**(FIRST REQUEST)**

Plaintiff,

VS.

## CLARK COUNTY, NEVADA

Defendant.

22 The Parties, by and through the undersigned counsel of record, move the Court to extend  
23 the parties' deadline to file a Motion for Settlement Approval up to and including May 30, 2017.  
24  
25 In support of this Motion, the Parties state as follows:

26 1. On April 4, 2017, the parties participated in a settlement conference, overseen by  
27 Magistrate Judge Nancy J. Koppe. As a result of this conference, the parties were able to reach a

1 settlement in this matter. Because this matter is a conditionally certified collective action under  
2 Section 216(b) of the Fair Labor Standards Act, the settlement requires approval by the Court.

3       2. At the close of the settlement conference, the parties went on the record to set forth  
4 the essential terms of the settlement. Magistrate Judge Koppe then set several tentative deadlines  
5 for the parties to finalize the settlement agreement and move to approve the settlement. The  
6 deadline to file a motion to approve the settlement agreement was set for May 2, 2017. ECF #200.

7       3. Since April 4, 2017, the parties have been negotiating the language for the  
8 Settlement Agreement, which will be submitted to the parties for review and approval after the  
9 final revisions are incorporated. Additional time will be necessary to obtain approval and  
10 signatures from all of the parties because some of the parties have relocated and no longer reside  
11 in the State of Nevada

12       4. The parties are also negotiating the language of a Notice of Settlement to Opt-in  
13 Plaintiffs. This Notice would, as required by case law, provide “the opt-in plaintiffs [with] notice  
14 of the settlement and an opportunity to object.”. *Tommey v. Computer Scis. Corp.*, No. 11-cv-  
15 2214, 2015 U.S. Dist. LEXIS 48011, at \*3 (D. Kan. April 13, 2015); *see also Howard v.*  
16 *Centrinex, LLC*, No. 15-9918-JWL, 2016 U.S. Dist. LEXIS 159652, at \*2 (D. Kan. Nov. 17, 2016)  
17 (“Although the FLSA does not require a fairness hearing like that required for settlements of class  
18 actions brought under Federal Rule of Civil Procedure 23, many courts have determined that  
19 fairness hearings should be held unless the parties notify the court that the opt-in plaintiffs had  
20 notice of the settlement and an opportunity to object.”). This will be sent to the opt-in plaintiffs  
21 once the parties have signed the Settlement Agreement.

22       5. The parties respectfully request 28 additional days, up to and including May 30,  
23 2017 within which to file a Motion for Approval of their settlement. This extension will give the  
24 parties the opportunity to obtain the signatures of all Named Plaintiffs and provide notice to the  
25

1 opt-in plaintiffs prior to filing the anticipated joint motion to approve the settlement agreement,  
2 some of whom have relocated and no longer reside in the State of Nevada.

3       6. This motion is filed for good cause and not for purposes of undue delay or any  
4 other improper purpose.

5       WHEREFORE, the Parties respectfully request an extension of time, up to and including  
6 May 30, 2017, within which to file a Motion for Settlement Approval.

7       Dated this 2nd day of May, 2017.

8       Dated this 2nd day of May, 2017.

9       LEWIS BRISBOIS BISGAARD & SMITH LLP

10      LAW OFFICE OF DANIEL MARKS

11      */s/ Cayla Witty*

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21      *Attorney for Defendant*

22      *Attorneys for Plaintiffs*

23

24

25      Dated this 2nd day of May, 2017.

26      LAW OFFICES OF STEVEN J. PARSONS

27      */s/ Steven J. Parsons-*

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34      *Attorneys for Certain Plaintiffs*

25      **ORDER**

26      IT IS SO ORDERED.

27      Dated May 3

28      , 2017.

29        
United States Magistrate Judge